

SN
7-12-12

G R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1901-12 -

(P-28)

(Legislation)

File No. 574

Serial Nos. 1-4

Papers Filed

Month August 1892

SUBJECT.

Petition of Saraswati Bai, daughter of the late Mr. P. K. Purnima
praying that the amount due to her and her sisters from
her father, the late Mr. P. K. Purnima, be
recovered from the revenues of the Yelandur Jagher held
by them

PREVIOUS REFERENCES.

LATER REFERENCES.

S. Ananta Rama Rao
2/12/12

191/-12

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 54-11

FILE HEADING.

Petition of Saraswati Bai, daughter of the late Mr P.N. Purnaiya praying that the amount due to her and her sisters from her father and her uncle the late sir P.N. Krishna murthi be recovered by attachment from the revenues of From the ^{gelandur} taluk and paid to them

Saraswati Bai, daughter of the late Mr P.N. Purnaiya Kuppunani chetty, Bangalore, Malleswaram.

No. —

Dated 17/6/12

Received 18/6/12

Diary No. 3345

Enclos. —

Spare Copies. —

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Prays that the amount due to her and her sisters from her father and her uncle the late sir P.N. Krishna murthi be recovered by attachment from the revenues of the ^{gelandur} taluk and paid to them

NOTES AND ORDERS.

Submitted with the gelandur taluk Regn and the issue of the Madras Law journal Vol XIX referred to at page 3 of the petition

ED (58) NW (11)

19/6/12

V Mrs Saraswati Bai one of the

Lepp File No. 54 of 1911

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Daughters of the late M^r P. N. Penranga prays in this petition that the Govt. may recover certain debts due to her and her sister by the late Jahapida of Yelandam, Sri P^r Krishna Murthi from the revenues of the Jahapi and that for this purpose the revenues may be kept under attachment by Govt. "pending Settlement of the debts of Sri P. N. Krishna Murthi"

3 She prays for the interference of Govt in the matter on the ground that under the provisions of the Yelandam Jahapi Regulation the revenues of the Jahapi are not liable to be seized in attachment of Court in Execution of Civil Court decrees, and that ~~no~~ no other remedy is easily available to her ~~the~~ ~~Govt~~ and her sister.

It is to be feared that Govt have no such legal powers of interference. While ~~the~~ it is true that the Regulation exempts the revenues of the Jahapi from attachment or seizure in Execution of Civil Court decrees, it does not

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without remedies. She and her sister lent money to Sri P. N. K. Kurki with the full knowledge (presumed if not actual) that the jahagi and its revenues ^{can not} ~~are not~~ ~~not available~~ ~~above~~ be available for the satisfaction of their debts thro' Civil Courts. She must therefore be presumed to have looked to the other properties of Sri P. N. K. for the realisation of her debt. Even independently of her ^{the question of} ~~personal~~ knowledge in the matter she can always proceed against these properties thro' the Civil Courts.

6 It may be pointed out in this connection that the Regulation declares only the "revenues" of the jahagi ^{to be} ~~from~~ attachment. Such revenues after appropriation by the jahagida cease to be revenues and ~~for~~ become part of his ^{separate} ~~personal~~ property and may then be proceeded against thro' the Civil Courts.

7 The Govt. ~~seem~~ therefore to have no authority to interfere in the manner suggested by the applicant.

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d The Case decided by the Madras High Court and quoted by the applicant establishes the proposition that where a Zemindar, the 'inalienable and impartible' is injured by the owner in absolute right & otherwise, that is, for instance without the incidents of a Coparcenary between himself and the other members of his family he can lawfully charge it with his own debts. In other words his creditors can proceed against the income from the Zemindar even after the death of the ~~debtor~~ debtor. The principle may apply in the present instance in theory but the practical difficulty has already been pointed out viz that neither the Civil Courts nor the Govt can attach it for the purpose in view. The powers of the Govt to interfere have been strictly defined in the Reg itself

20/6/12 JH

Lee?

I agree with his views & am sending
for ~~the~~ ^{no} circular to

Comptroller as advised by Dewan

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No.

10- I am afraid that we
can do little to help this
young lady. The matter
may however be disposed
of after the main dispute
is decided -
1/7/12 *[Signature]*

2nd Connaker

23
27
27/12

11- I think so too.
[Signature]

9/7/12

Deewan

23
10/7/12

2230
10-7-12

12- Please put up the inquiry
let^r from Saraswan & son
& another from her sister
Janakibai Early *[Signature]*

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2

No. - dated 11/2/12

From Sarawati Bai daughter
of the late Mr P.N. PurnaiyaForwarding a memorandum in
continuation of her petition dated
17/6/12 (sl 1 of this file) quoting
certain legal authorities on her side.

B. Dewan's order thereon :-

"See"

For early action along with the
previous representation. Enclosure
bristles with references to Law Books
and Reports, the names of which
however are not clear"

Juts J.A.R.

12/7/12

3

No 6495 - dated 14/7/12

From Janaki Bai daughter
of the late Mr P.N. Purnaiyainforms that she
begs to associate herself with
her sister in her prayer for
relief re the amounts due to them
from the yelandur galgia.~~Submitted~~~~The previous petition is now
before the Dewan to whom~~

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Sewan's order thereon

1st Secy, 20 councillors with the two
previous letters from Son. Sareswati
Bai.

Jnto J.A.R.

15/7/12

iii Jnto K.S.

15/7/12

Jnto S.K. 16/7/12

1. Submitted

The previous petition is now
before the Dewan to whom
it was subd on 10/7/12 (vide
Legis 54-11-1). Of the books
mentioned in the petition the

following viz: 26 All, 21 M.L.G.
(July 1911, no 1.), and 15th C.W.N. (no 15)
19 M.L.G. have already been kept
with the previous petition. The
other two books viz 31 Bom. and
1 Smith's Leading cases are not
available in the Branch Library.

Jnto (S) J.A.R. (11)

16/7/12 17/7/12

16. No new argument has
been advanced in this memorandum
~~only the previous argument~~ The

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old arguments are re-iterated

17 The difficulty is how the Govt can interfere with the private transactions of the late Sir P. N. K. Murti with the other members of his family. The Jahagi Report does not give any such power and Govt can not act as arbitrators to settle private disputes.

18 [The case seems to be fit for private arbitration at the hands of upright, honorable and intelligent gentlemen in whom all the parties may have confidence.]

19 The case has been noted on in the Shri file. The cases quoted by the applicants would be of use only if the Govt had power to interfere.

SA

19/7/12

w
(see)

The previous file has since been

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No.

received from Mr. Dewan with this
order. This will be put up with it
& the file steps ~~the~~ taken in accordance
with the order.

23
20/7/12

24

20/7/12

Subd.

21 These notes are put up in continuation
of the notes on the previous petition
and the ^{all} petitions are herewith submitted
with the complete file

ck (58) SIV (11)

20/7/12 21/7/12

[Please reference the
file properly. The papers
quoted should have been
put up]

22 The memorandum furnished
by Mrs. Saraswati Bai and the
petition of Mrs. Janaki Bai are
no fresh grounds. The gist of the
petition is that Govt. should
intervene and settle the claims
of the two ladies against the
assets of the late Sir P. Krishna Rao.

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The entreat and as it appears to my humble judgment insuperable difficulty is that Govt have no power of interference in the matter. In the memorandum it is stated that Sec 7 ^{of the Regn} and the analogy of the LR Code show that Govt possess the necessary authority. Sec 7 of the Jahagi Regn simply exempts the revenues of the Jahagi from the liability to Sarsam under processing of Civil Courts. This does not raise any inference that consequently the Govt have got power to settle the private affairs of the late Jahagidar.

23 The reference to the Land Revenue Code does not seem to be in point. There is no ^{true} analogy between the Special jurisdiction carved out of the ordinary jurisdiction of the Civil Courts in favour of the Revenue Courts and the Contention that because certain matters in the hands of the Jahagidar are exempt from attachment by Civil Courts, the Govt acquire

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General and Revenue
Secretariat.

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jurisdiction in the way that
over the disposable power of those
members of the jagahidars. Unless
jurisdiction is expressly or by
necessary implication conferred
on the Govt. it is to be feared
they can not interfere.

24 The other points raised,
and the numerous legal decisions
quoted all presume the exercise
by the Govt. of the above power
and may therefore be deemed
as irrelevant. They become
relevant if Govt. propose to
intervene.

29/7/12 *SA*

See 25

circulate to Comptroller
as per Dewan's order of 15th inst. as
Jainaki Bai's petition.

23
30/7
SA
30/7/12

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No.

370.

Subd to Comrakors

SK(11)

30/7/12

26

I am afraid that there is no warrant for our interfering to settle this family dispute. If the case pending before us is decided, perhaps the parties will see their way ^{clearer} to settle these differences without going to Court.

Handwritten signature
30/7/12

2nd Comrakor202
31/7

27

Handwritten signature
31/7/12
The ~~27~~ 27th of July may be taken after the main point before Court is decided.

Dewan

23

57/8/12

GPB-20,000 20-1-12

57/8/12

31/8/12

Handwritten signature

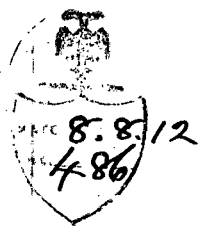
21/8/12
6-6-12

NOTE—Contn. sheet.

Record of Cases submitted for the Orders
of His Highness the Maharaja

Subject.

Petitions from Sarasvati Bai and
Janaki Bai for the recovery of certain
sums of money due to them from their
father, the late Mr. P.N. Purnaiya.



153

Order.

KRUP

14/8/12

31

deey
The plaintiffs may
be informed that
there is no case
for further action

15/8/12

17/8/12

17/8

16/8

in case

19/8/12

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No.

32 Subd with a draft Indorsement.

SWC
20/8/12

34 may be affd

20/8/12

622

Secy 1st Comdr

23
20/8

21/8/12

35 Draft slightly altered and appor.
by 1st Comdr
21.8.12
mss

36 Inu 23
27/8

a J 634 of 20 Aug 1912 to Sanaswami Bai
Submits that Govt cannot interfere
in the matter.

J 635 of 20-8-12 Cpy to Sanaswami Bai

evidencing these transactions. The
papers will show that Mr. Naid-
singa, Rao Purnaiya's prospects
as ^{future} Jaghirdar were rendered se-
cure by these transactions between
the brothers. and he has to rea-
lise the responsibility cast upon
him to discharge the debts due to
his sisters. But he does not
seem to realise such a respon-
sibility and in his attitude is to
keep back necessary papers
and force us to go to a court
of law. I beg of you to take such
action as you may deem necessary
to help us. I have to suggest any
action (except) I beg to submit
without prejudice to other re-
medies that I have, the follow-
ing application under sec 7 of
the Jaghirdar Jagir Regulation
of 1885. In spite of the importance
and urgency of the

S

Jahgir: The Jahgirdar for the time being has full proprietary rights therein' (Sec 2 of the Regulation)
 The Jahgir is not for future services to the state, and it cannot be resumed by the state, so long as there are heirs. Mr. Narasimha Rao Purnaiya gets the Jahgir because he is an heir. On these premises, it follows that the surplus revenue of the Jahgir are assets of the P.N. Krishnamurthi in the hands of Mr. Narasimha Rao Purnaiya available for the payment of the P.N. Krishnamurthi's debts. Please see 19 M.L.J. 400 at p 405 et seq

T

The surplus revenue of the Jahgir is not alienable. It is at the absolute disposal of the Jahgirdar of Jahgirs for the time being. (Sec 3 of the Regulation.)
 But the surplus

4
revenue is not liable to seizure
or attachment by process of
any civil court (Sec. 7 of
the Regulation)

The position then is this
The surplus revenue is
assets available for payment
of debts but the civil court
cannot seize such revenue

But the general princi-
ple of law is that there is no
wrong without a remedy.

Therefore the very fact that
the jurisdiction of the civil court
is ousted, gives the government
jurisdiction to order debts to be
paid out of the surplus revenue

The extent of the debts can
be ascertained from the papers
left by the deceased, & others,
which may kindly be seen
by government.

I further beg that
the accumulated revenue of S. B.
Jalandhar Jhalgaon may be kept

5
attached by government, pending
settlement of the debt of
Sir P. N. Krishnamurti

I have the honour
to be Sir
your most obedient
servant
Saraswati Bai

Kuppusawari
Chetty's Bungalow
Maddur
Bangalore City
17-6-12

6.
Kuppusawathi
Chetti's Bungalows
Mallavarum
11-7-12

Dear Sir,

I submit the accompanying memorandum for consideration also with my petition to dated 17th June 1912.

yours sincere

Saravathi Bai

daughter of the
late M. P. N. Pur.

To T. Ananda Rao Esq. B.A.

Subscribed

13th
12

Copy

No 4481.

for early action
along with the
persons mentioned
in the list
with references to
the names of which
however are not
clear. 12 July 12

memo

I The Jafin of Yelandur
 is subject to the Hindu Law
 of Inheritance & adoption. Vide
 sec 2 cl (4) of the Yelandur
 Jafin Regulation Inheritance
 and Coparcenership are
 quite different things. Please
 see 31 B. 25^{*} The Jafin
 is therefore separate estate
 and not joint family property

* not available

II Inalienability does not
 involve coparcenership and
 the Jafin is assets 19 MLJ
 401 confirmed by 21 MLJ

593

III "If the plaintiff has a
 right, he must of necessity
 have a means to vindicate &
 maintain it and a remedy if
 he is injured in the exercise or
 enjoyment of it" Ashby vs

8

White / Smith's Leading Cases

not available

IV Revenue jurisdiction under sec 221 of the Land Revenue Code is based on a similar principle. Please see Sir the-
shadri J's address to the Representative assembly on 9th October 1889, stating that cases excluded from the jurisdiction of Civil Courts should be disposed of by Government after thorough investigation, and that the procedure should be in essence that of the Civil Courts

Page 8

R

V Inspection of papers left by the deceased brothers is "no invasion of rights"
Please see 15 CWN 353

W

VI Government can hold an enquiry into all connected questions when proceeding under sec 7 of the Jajfir Refu-
lation. That's some of

G

X

the decisions may not be
resjudicated in a Civil Court
Please compare 26 A 601
at p 602

It is not likely that
when the government un-
dertakes a fair settlement
all round, any member of
the family will try to reopen
the question in a Civil Court

In Conclusion it is re-
presented that government
may kindly assume Plenary
jurisdiction and lay the
members of the family under
a life-long debt of gratitude

Sarawati Bai

daughter of the late
Mr P. N. Punayya

Bangalore }
11.7.12 }

No 4495.

Legis/54 of 1911-12
Serial 3

7 Anandakar Esq. B.A., C. J. E.

Dewan of Mysore.

Sir,

I am a daughter of the late
Mr P. N. Purnaya, and I beg to
associate myself with my sister Saraswati
Bai in her prayer seeking your aid
and protection with regard to our affairs.

We shall be deeply grateful
to Government if they will kindly
assume jurisdiction over all matters
and bring about a settlement of all
outstanding questions pari passu, as
the income of the ghazir forms one
of the chief assets out of which the
amount due to the daughters will
have to be ~~repaid~~ paid.

11

There is ample proof in the
writing of my father and uncle
Sir P. N. Krishnamurti to show
the amount due to us.

I beg to remain,

sir,

Your most obedient servant

Ganaki Bai

14th July 1912 }
Coromandel }
Kolar Gold Fields }